

## Article - Public Utilities

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§10–104.1.

(a) An applicant for a for–hire driver’s license may not provide sedan services, limousine services, or taxicab services unless the Commission has authorized the applicant to operate on a provisional basis or has issued a valid temporary or permanent driver’s license to provide sedan services, limousine services, or taxicab services.

(b) The Commission may approve an applicant and issue a temporary driver’s license to the applicant if:

(1) the applicant provides all information that the Commission requires for the application, including the information specified in item (2) of this subsection; and

(2) the Commission is satisfied with the successful submission of the applicant’s:

(i) national criminal history records check:

1. conducted by a consumer reporting agency as defined under § 14–1201 of the Commercial Law Article or a comparable entity approved by the Commission; and

2. that includes:

A. a Multi–State Multi–Jurisdiction Criminal Records Database Search or a search of a similar nationwide database with validation;

B. a search of the Sex Offender Registry; and

C. a search of the U.S. Department of Justice’s National Sex Offender Public Web site; and

(ii) driving record check that includes a driving history research report.

(c) (1) Subject to subsection (d) of this section, the Commission may issue a permanent for–hire driver’s license to an applicant on the submission of a

satisfactory supplemental criminal background check as set forth under § 10–104(b) of this subtitle.

(2) For taxicab services, the applicant must submit, within 30 days of the issuance of a temporary license, a satisfactory supplemental criminal background check as set forth under § 10–104(b) of this subtitle.

(d) Before December 15, 2016, the Commission may not require an applicant for a for–hire driver’s license to comply with subsection (c) of this section if a sedan company or limousine company for which the applicant will provide services, at the time it applies for a permit, provides to the Commission details of the process the sedan company or limousine company uses to collect, review, and submit the information specified in subsection (b)(2) of this section.

(e) (1) A sedan company or limousine company may request that the Commission waive the requirement to comply with subsection (c) of this section and instead comply with subsection (b)(2) of this section for applicants and drivers of the sedan company or limousine company.

(2) On receipt of a request under paragraph (1) of this subsection, the Commission shall:

(i) determine whether the sedan company’s or limousine company’s process for complying with subsection (b)(2) of this section can be shown to be as comprehensive and accurate as complying with the supplemental criminal background check as set forth under § 10–104(b) of this subtitle; and

(ii) within 3 months after receiving the request, determine whether to:

1. grant the waiver;
2. deny the waiver; or
3. approve an alternative process.

(f) A sedan company, limousine company, or taxicab company may submit the information under subsection (b) of this section on behalf of an applicant.

(g) The Commission shall adopt regulations that provide a process that is as expeditious as possible and uses electronic means for:

(1) the submission of the information under subsection (b) of this section;

(2) the issuance of a temporary or permanent driver's license and alternative authority to operate on a provisional basis; and

(3) the renewal of a driver's license.

(h) (1) Records or information provided to the Commission by a sedan company, limousine company, or taxicab company under this section are not subject to release under the Maryland Public Information Act.

(2) The Commission may not disclose records or information provided to the Commission under this section to any person unless the disclosure is required by court order or order of the Maryland Tax Court.

(3) On notice that a person is seeking records or information under paragraph (2) of this subsection, the Commission shall promptly notify the sedan company, limousine company, or taxicab company before disclosing the records or information.

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